

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/11/2021

JAMIE HOGUE,

Plaintiff,

v.

KEY FOOD STORES CO-OPERATIVE, INC.,  
HUNTING RIDGE FARMS LLC, SAMUEL  
HASSAN, individually, and JAMES a/k/a "JIMMY"  
JOYCE, individually,

Defendants.

Civil Action No.  
7:18-9580 (NSR)

**NOTICE OF MOTION TO DISMISS COMPLAINT**

**PLEASE TAKE NOTICE**, that upon the accompanying Certification of Scott M. Wich, Esq., dated May 7, 2021, and the exhibits annexed thereto, the memorandum of law, dated May 7, 2021, and upon all prior pleadings and proceedings had herein, and pursuant to the leave granted to file this motion as ordered by the Court on April 16, 2021 (ECF No. 39),

Defendant Key Food Stores Co-operative, Inc. ("Defendant"), by and through its attorneys, Clifton Budd & DeMaria, LLP, will move this Court, before the Honorable Nelson Stephen Román, at the United States District Court, Southern District of New York, located at 300 Quarropas Street, White Plains, New York 10601, on a date and time to be designated by the Court, for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety as against Defendant, with prejudice, for failure to state a cause of action, entering judgment for Defendant, and grant Defendant its costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

MEMO ENDORSED

Dated: New York, New York  
May 7, 2021

Respectfully submitted,

s/ Scott M. Wich

Scott M. Wich, Esq.  
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cc: Counsel for Plaintiff (via ECF)

Defendant's Motion to Dismiss is DENIED without prejudice for failure to follow my Individual Practices in Civil Cases. *See* Sec. 3.A.ii.

The Clerk of Court is directed to terminate the motion at ECF No. 43.

Dated: May 11, 2021  
White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE